

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

WILLIAM FAMBROUGH	)	CASE NO.: 1:22-CV-00992
	)	
Plaintiff	)	JUDGE: BRIDGET MEEHAN BRENNAN
	)	
v.	)	DEFENSE ATTORNEY MOTION
	)	TO WITHDRAW FROM
	)	REPRESENTATION OF SCOTT
CITY OF EAST CLEVELAND, et. al.	)	GARDNER
	)	
Defendants	)	

NOW Comes Law Dir. Willa Hemmons and Assis. Law Dir. Heather McCollough (also both defendants) who respectfully moves this Court for an Order allowing the aforesaid City of East Cleveland Counsel to withdraw from representation of Scott Gardner and the duties associated with such representation including that of fulfilling Plaintiff's Discovery Requests (see EXH attached) for the reasons set forth below.

On or about August 25, 2022, Defendant Scott Gardner was indicted for various crimes including several which list the City of East Cleveland as a victim, e.g., Theft in Office and Grand Theft, see (EXH) attached. This situation renders representation by the City's law director and assistant law director (also named defendants in the instant matter a violation of Ohio R. Prof. Conduct 1.7. which states:

- (a) A lawyer's acceptance or continuation or representation of a client creates a conflict of interest if either of the following applies:

(2) there is a substantial risk that the lawyer's ability to consider, recommend, or carry out an appropriate course of action for that client will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person or by the lawyer's own personal interest.

Under *Local Rule 83.7(a)*, attorneys admitted to practice in this Court are bound by the ethical rules in the Ohio Rules of Professional Conduct. *Sec'y of Lab v. Monroe Trades Corp.*, No. 1:17CV-272, 2019 U.S. Dist. LEXIS 236808.

Through this pleading Mr. Gardner as well as his criminal Counsel, Atty. Allison F. Hibbard, are being notified of Attys. Hemmons and McCollough's Motion to Withdraw. Mr. Gardner is not indigent and pursuant to Rule 1.16(b) of the Ohio Rules of Professional Conduct (1) withdrawal can be accomplished without material adverse effect on the interests of the client. *Heiney v. Moore*, OHND Case No. 3:21-CV-00501 (Decided: November 18, 2021).

WHEREFORE, Atty. Defendants Hemmons and McCollough pray that this Court allows them to withdraw from further representation of Defendant Scott Gardner..

Respectfully submitted,

CITY OF EAST CLEVELAND

/s/ Willa M. Hemmons  
Willa Hemmons, 0041790  
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Heather McCollough, 0075882  
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Attorney for City of East Cleveland,  
Ohio

**CERTIFICATE OF SERVICE**

A true and accurate copy of the foregoing *Motion to Withdraw from Representation of Defendant Scott Gardner* was electronically filed with the Court on this 29<sup>th</sup> day of September, 2022 and that by way of the Court's electronic notification system notice of this filing was provided to all registered parties; and in addition service was sent by regular U.S. Mail to

Scott Gardner 's address on his Indictment of 4052 Bayberry Knoll Lane, Ravenna, Ohio 44266; and his Criminal Attorney, Allison F. Hibbard, The Brownhoist Bldg., 4403 St. Clair Ave., Cleveland Ohio 44103; (216) 571-4757)

/s/ Willa M. Hemmons